



City of NORFOLK

C: Dir., Public Works

To the Honorable Council
City of Norfolk, Virginia

March 25, 2014

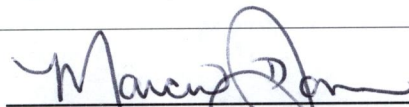
From: John M. Keifer, Director of Public Works

Subject: Acquisition of a Perpetual
Right-of-Way Easement and a
Temporary Construction Easement.

Reviewed: 
Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 2/7

Approved:



Marcus D. Jones, City Manager

Item Number:

R-2

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Public Works/
Midtown Development Corporation
104 E. Little Creek Road
Norfolk, VA 23505

III. **Description**

This agenda item is an ordinance authorizing the acquisition of a perpetual right-of-way easement and a temporary construction easement from Midtown Development Corporation. The Department of Public Works' Division of Transportation requires ownership over certain property located at 104 E. Little Creek Road for the construction of a new traffic control signal.

IV. **Analysis**

By authorizing the acquisition of a perpetual right-of-way easement and a temporary construction easement, the city can construct the necessary infrastructure to accommodate a traffic signal on E. Little Creek Road.

V. **Financial Impact**

There is no financial impact to the city associated with authorizing the acquisition of a perpetual right-of-way easement and a temporary construction easement, as the property owner is providing said easements to the city.

VI. **Environmental**

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach


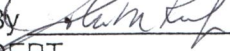
This letter has been coordinated with the Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D (Deed of Easement)

Form and Correctness Approval:

Contents Approved:

By 
Office of the City AttorneyBy 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERPETUAL RIGHT OF WAY EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FROM MIDTOWN DEVELOPMENT CORPORATION OVER CERTAIN PROPERTY LOCATED AT 104 E. LITTLE CREEK ROAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the acquisition from the Midtown Development Corporation of a perpetual right of way easement and a temporary construction easement over certain property located at 104 E. Little Creek Road, which easements are more particularly shown on Exhibit A and described in Exhibits B, and C, all of which are attached hereto, is hereby authorized and approved.

Section 2:- That the City Manager is authorized to accept the Deed of Easement, a copy of which is attached hereto as Exhibit D, and to do all things necessary and proper to effect the conveyance of the easements to the City.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Deed of Easement as he may deem advisable in order to carry out the intent of the Council.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.

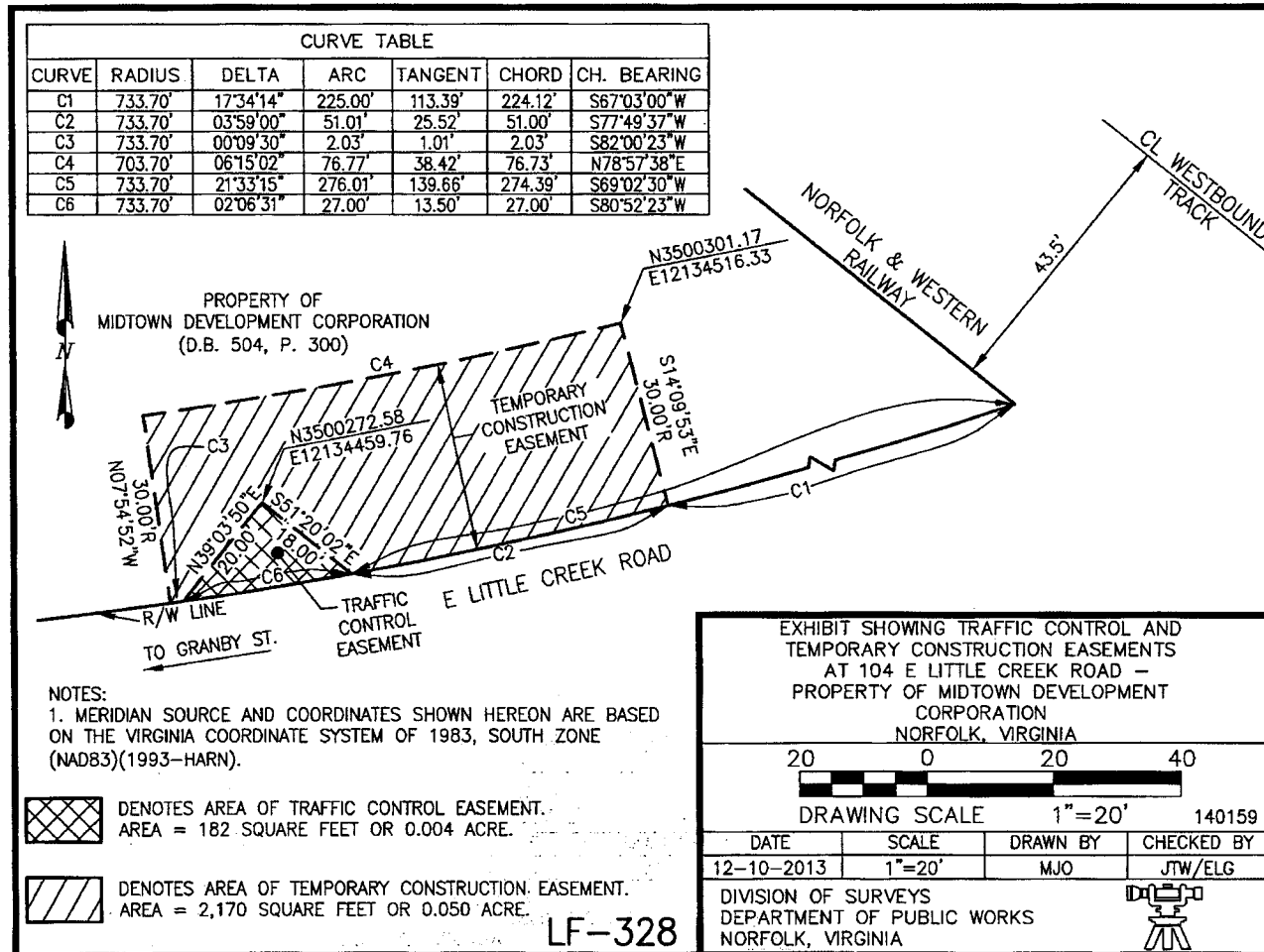


Exhibit: A

Exhibit: B

**Traffic Control Easement at 104 E Little Creek Road
To Be Conveyed from Midtown Development Corporation
To the City of Norfolk**

A triangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: COMMENCING at a point that is the intersection of the northern line of E Little Creek Road and the western line of a 100-foot Norfolk & Western Railway right-of-way, said point being shown on a plat entitled, "Plat Showing Widening on North Side of Little Creek Road," said plat being on file in the Division of Surveys in the Department of Public Works in the City of Norfolk, Virginia, as file 4162, and said point being described in Deed Book 504 at Page 300, said deed being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia; thence, from the point of commencement thus described, with the northern line of E Little Creek Road 276.01 feet, more or less, along the arc of a curve to the right, the radius of which is 733.70 feet, with a chord bearing of S 69°-02'-30" W, and a chord distance of 274.39 feet, more or less, to a point, the point of BEGINNING; thence, from the point of beginning thus described, with the northern line of E Little Creek Road, 27.00 feet, more or less, along the arc of a curve to the right, the radius of which is 733.70 feet, with a chord bearing of S 80°-52'-23" W, and a chord distance of 27.00 feet, more or less, to a point; thence, N 39°-03'-50" E, 20.00 feet, more or less, to a point; thence, S 51°-20'-02" E, 18.00 feet, more or less, to the point of beginning, said parcel being labeled "Traffic Control Easement" and being shown on an exhibit entitled, "Exhibit Showing Traffic Control and Temporary Construction Easements at 104 E Little Creek Road - Property of Midtown Development Corporation, Norfolk, Virginia," said exhibit being dated December 10, 2013, and being prepared by and on file in the Division of Surveys in the Department of Public Works in the City of Norfolk, Virginia as LF-328.

The above-described parcel contains 0.004 acre of land, more or less.

December 10, 2013

**Temporary Construction Easement at 104 E Little Creek Road
To Be Conveyed from Midtown Development Corporation
To the City of Norfolk**

A irregularly-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: COMMENCING at a point that is the intersection of the northern line of E Little Creek Road and the western line of a 100-foot Norfolk & Western Railway right-of-way, said point being shown on a plat entitled, "Plat Showing Widening on North Side of Little Creek Road," said plat being on file in the Division of Surveys in the Department of Public Works in the City of Norfolk, Virginia, as file 4162, and said point being described in Deed Book 504 at Page 300, said deed being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia; thence, from the point of commencement thus described, with the northern line of E Little Creek Road 225.00 feet, more or less, along the arc of a curve to the right, the radius of which is 733.70 feet, with a chord bearing of S 67°-03'-00" W, and a chord distance of 224.12 feet, more or less, to a point, the point of BEGINNING; thence, from the point of beginning thus described, with the northern line of E Little Creek Road, 51.01 feet, more or less, along the arc of a curve to the right, the radius of which is 733.70 feet, with a chord bearing of S 77°-49'-37" W, and a chord distance of 51.00 feet, more or less, to a point; thence, N 51°-20'-02" W, 18.00 feet, more or less, to a point; thence, S 39°-03'-50" W, 20.00 feet, more or less, to a point; thence, 2.03 feet, more or less, along the arc of a curve to the right, the radius of which is 733.70 feet, with a chord bearing of S 82°-00'-23" W, and a chord distance of 2.03 feet, more or less, to a point; thence, N 07°-54'-52" W, 30.00 feet, more or less, to a point; thence, 76.77 feet, more or less, along the arc of a curve to the left, the radius of which is 703.70 feet, with a chord bearing of N 78°-57'-38" E, and a chord distance of 76.73 feet, more or less, to a point; thence, S 14°-09'-53" E, 30.00 feet, more or less, to the point of beginning, said parcel being labeled "Temporary Construction Easement" and being shown on an exhibit entitled, "Exhibit Showing Traffic Control and Temporary Construction Easements at 104 E Little Creek Road - Property of Midtown Development

Corporation, Norfolk, Virginia," said exhibit being dated December 10, 2013, and being prepared by and on file in the Division of Surveys in the Department of Public Works in the City of Norfolk, Virginia as LF-328.

The above-described parcel contains 0.050 acre of land, more or less.

December 10, 2013

Prepared by: Office of the Norfolk City Attorney
Charles Stanley Prentice Deputy City Attorney (VSB#5201)
Return to: Office of the Norfolk City Attorney
Title Insurance Underwriter: n/a
Consideration: N/A

This Deed is exempt from recordation taxes imposed
by Section 58.1-801 of the Code of Virginia, 1950,
as amended, pursuant to Section 58.1-811(a) (3).

THIS DEED OF EASEMENT, made this ____ day of _____, 2013, by and
between **MIDTOWN DEVELOPMENT CORPORATION**, **Grantor**, and the **CITY OF**
NORFOLK, a municipal corporation of the Commonwealth of Virginia, **Grantee**, whose address is
City Hall Building, 810 Union Street, Norfolk, Virginia, 23510.

WITNESSETH:

WHEREAS, Grantor is the owner of certain property located in the City of Norfolk, Virginia,
as shown on that certain exhibit plat attached hereto as Exhibit A; and

WHEREAS, Grantee has undertaken a right-of-way improvement project that extends into
the property owned by Grantor, as shown on Exhibit A; and

WHEREAS, Grantee has requested Grantor to grant a perpetual easement over Grantor's
property as shown on Exhibit A to permit the right-of-way improvements; and

WHEREAS, Grantee has also requested Grantor to grant a temporary construction easement
as shown on Exhibit A for the purpose of providing a staging area, temporary work spaces, and
construction site access for the period of time that is required for the right-of-way improvements to
include the constructing, maintaining, adding to, replacing or installation of storm drainage
improvements, curbs and sidewalks, roadway resurfacing, and making the corners compliant with
handicap accessible requirements; and

WHEREAS, Grantor is agreeable to granting the said easements to Grantee.

NOW, THEREFORE, for and in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee, its successors and assigns, a perpetual easement and a temporary construction easement as shown on Exhibit A and described in Exhibits B and C.

The said perpetual easement shall be for the purpose of constructing, maintaining, adding to, replacing or installing traffic signal improvements, curbs and sidewalks, and roadway resurfacing, as well as making the corners compliant with handicap accessible requirements, if needed. The perpetual easement is subject to the following conditions:

1. All structures and appurtenant facilities, which are installed or placed in the easement, shall be and remain the property of Grantee, its successors and assigns.
2. Grantee and its agents shall have full and free use of the said easement for the purposes named, and shall have all rights and privileges reasonably necessary to the utilization of the easement.
3. Grantee shall have the right to trim, cut and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or near the easement being conveyed, deemed by it to interfere with the proper and efficient construction and maintenance of the traffic signal and right-of-way improvements in the said easement.
4. Grantor reserves the right to make any use of the easement herein granted which may not be inconsistent with the rights herein conveyed or interfere with the use of said easement by Grantee for purposes named; provided, however, that Grantor shall not erect any roadway, building, or other structure on the easement without obtaining prior written approval of Grantee.

The said temporary construction easement shall be for the purpose of providing a staging area, temporary workspaces, and construction site access for Grantee during the entire period of the installation of the traffic signal and right-of-way improvements. Said temporary construction easement is subject to the following conditions:

1. The term of the temporary construction easement shall be for such period of time as is necessary for Grantee to complete the traffic signal and right-of-way improvement project and Grantee agrees that the work shall be pursued as diligently and expeditiously as reasonably possible.

2. Grantee agrees to repair or to pay for any actual damage caused by Grantee in the exercise of any of the rights granted in this deed, to the extent required by law; provided, however, that Grantee shall not be liable for any damages caused in the said temporary construction easement by the clearing of any obstacles or obstructions that interfere with Grantee's use of the easement as set forth herein.

3. At the conclusion of all construction work, where applicable Grantee shall restore the area of the temporary construction easement to its state and condition immediately prior to the commencement of the project.

The terms, covenants, and provisions set forth herein shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

Grantor covenants that Grantor has the right to convey the easements herein granted.

WITNESS the following signatures and seals:

(SIGNATURE PAGES TO FOLLOW)

MIDTOWN DEVELOPMENT CORPORATION

By: _____

Title: _____

**COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:**

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the _____ day of _____, 20____, do hereby certify that _____, _____ (Title), on behalf of Midtown Development Corporation, whose name is signed to the foregoing deed of easement, has acknowledged the same before me in my City and State aforesaid. He is personally known to me or has produced a driver's license as identification.

Given under my hand this _____ day of _____, 20____.

Notary Public

Registration No. _____

The signature of Marcus D. Jones, City Manager, or his duly authorized Assistant City Manager, is affixed hereto on behalf of the Council of the City of Norfolk, Virginia, pursuant to an ordinance duly adopted by the City Council, to evidence the acceptance of this Deed by the City, in accordance with Section 15.2-1803, Code of Virginia, 1950, as amended.

CITY OF NORFOLK

By: _____ (SEAL)
City Manager

Attest:

City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the _____ day of _____, 20__, do hereby certify that Marcus D. Jones, City Manager, or his duly authorized Assistant City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing deed of easement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 20__.

Notary Public

Registration No. _____

Contents Approved:

Director of Public Works

Approved as to Form and Correctness:

Deputy City Attorney

Exhibit: _____

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To Be Conveyed from Midtown Development Corporation
To the City of Norfolk**

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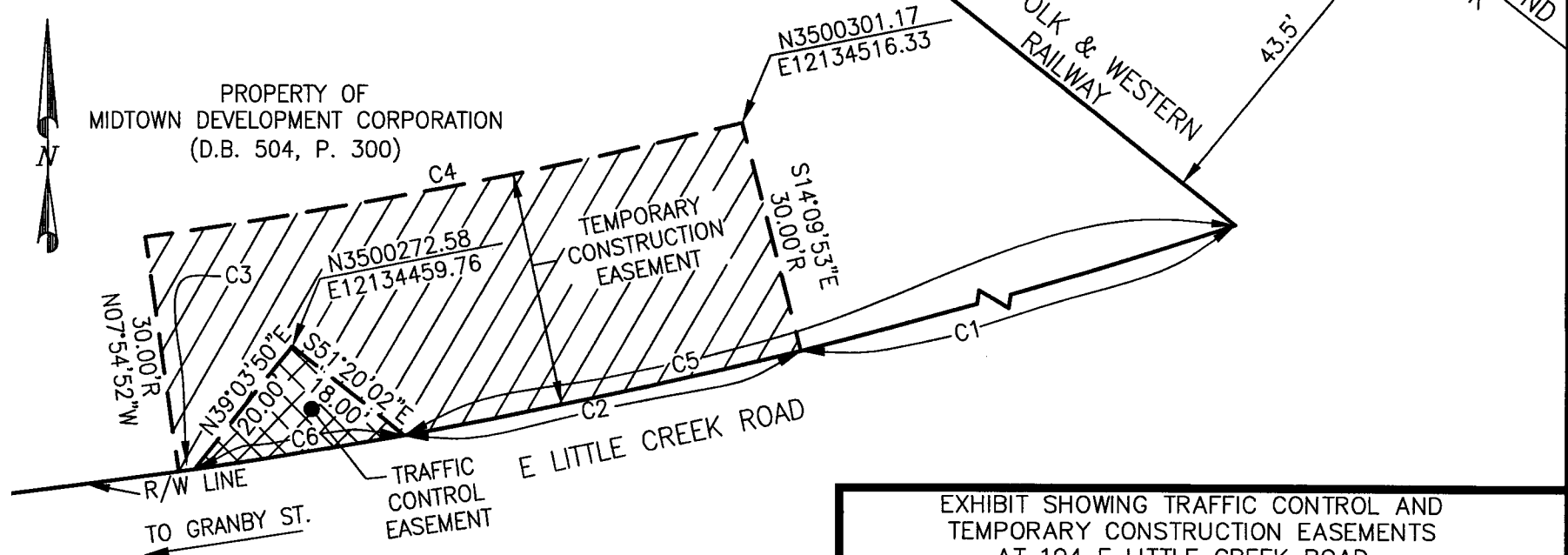
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December 10, 2013

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CH. BEARING
C1	733.70'	17°34'14"	225.00'	113.39'	224.12'	S67°03'00"W
C2	733.70'	03°59'00"	51.01'	25.52'	51.00'	S77°49'37"W
C3	733.70'	00°09'30"	2.03'	1.01'	2.03'	S82°00'23"W
C4	703.70'	06°15'02"	76.77'	38.42'	76.73'	N78°57'38"E
C5	733.70'	21°33'15"	276.01'	139.66'	274.39'	S69°02'30"W
C6	733.70'	02°06'31"	27.00'	13.50'	27.00'	S80°52'23"W



NOTES:

1. MERIDIAN SOURCE AND COORDINATES SHOWN HEREON ARE BASED ON THE VIRGINIA COORDINATE SYSTEM OF 1983, SOUTH ZONE (NAD83)(1993-HARN).



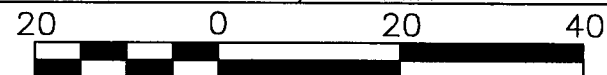
DENOTES AREA OF TRAFFIC CONTROL EASEMENT.
AREA = 182 SQUARE FEET OR 0.004 ACRE.



DENOTES AREA OF TEMPORARY CONSTRUCTION EASEMENT.
AREA = 2,170 SQUARE FEET OR 0.050 ACRE.

LF-328

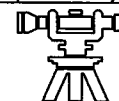
EXHIBIT SHOWING TRAFFIC CONTROL AND
TEMPORARY CONSTRUCTION EASEMENTS
AT 104 E LITTLE CREEK ROAD -
PROPERTY OF MIDTOWN DEVELOPMENT
CORPORATION
NORFOLK, VIRGINIA



DRAWING SCALE 1"=20' 140159

DATE	SCALE	DRAWN BY	CHECKED BY
12-10-2013	1"=20'	MJO	JTW/ELG

DIVISION OF SURVEYS
DEPARTMENT OF PUBLIC WORKS
NORFOLK, VIRGINIA



tabbles

EXHIBIT

Exhibit: B

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